

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL RYAN FALKENSTEIN,

Plaintiff,

v.

Case No. 21-cv-1366-pp

COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

**ORDER REQUIRING PLAINTIFF TO FILE AMENDED MOTION FOR LEAVE
TO PROCEED WITHOUT PREPAYING THE FILING FEE**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

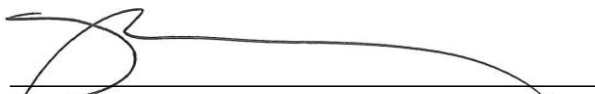
The plaintiff's affidavit does not provide enough facts for the court to determine whether he can pay the filing fee. The affidavit indicates that the plaintiff is not employed, he is not married, and he has no dependents he is responsible for supporting. Dkt. No. 2 at 1. The plaintiff lists no source of income, id. at 2, but he states that he pays \$500 per month in rent and he lists total monthly expenses of \$700, although he does not explain what the additional \$200 expense is for, id. at 2-3. The plaintiff does not own a home or

a car, he has no property of value and no cash on hand or in a checking or savings account. Id. at 3-4. The court is perplexed as to how the plaintiff is living—how does he pay his rent or obtain food, clothing and other necessities? Perhaps the plaintiff lives with family or friends free of charge, perhaps those family or friends also provide for his needs, but there is nothing in the affidavit telling the court whether that's the case or who supports the plaintiff. The court will ask the plaintiff to file an amended request to proceed without prepaying the filing fee. The court will send a blank form to the plaintiff along with this order. The plaintiff should tell the court how he is living, whether someone provides him money to pay for rent, food and living expenses, or whether he has any source of income to cover those expenses. If necessary, he can use the "Other Circumstances" section on page 4 to explain his circumstances.

The court **ORDERS** that the plaintiff must file an amended request to proceed without prepaying the filing fee by the end of the day on **December 21, 2021**. If the plaintiff does not provide a new request in time for the court to receive it by the deadline, the court will deny his application to proceed without prepaying the filing fee and will require him to pay the full filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 30th day of November, 2021.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge